IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TRISHA ROMANO 756 Ashbrooke Way Hudson, Ohio 44236, and MATTHEW ROMANO, PRO SE 756 Ashbrooke Way Hudson, Ohio 44236, Plaintiffs, v. HUDSON CITY SCHOOL DISTRICT BOARD OF EDUCATION c/o Phillip T. Herman, Superintendent 2400 Hudson Aurora Road Hudson, Ohio 44236, and PHIL HERMAN 677 E. Steels Corners Road Stow, Ohio 44224, and DOREEN OSMUN 443 Buttevant Road Munroe Falls, Ohio 44262, and LISA HUNT 4438 Speedo Lane Uniontown, Ohio 44685 Defendants.	)	CASE NO. JUDGE **COMPLAINT** **(Jury Demand Endorsed Hereon)**

Plaintiffs Trisha Romano ("Mrs. Romano") and Matthew Romano Pro Se (collectively, "Plaintiffs"), for their Complaint against the Hudson City School District Board of Education (the "School District"), and the Individual Defendants Phil Herman ("Herman"), Doreen Osmun ("Osmun"), and Lisa Hunt ("Hunt"), (collectively, "Defendants"), state and allege as follows:

INTRODUCTION

1. This is an action against the Hudson City School District Board of Education and three of its administrators individually for damages and other relief relating to their continuing discrimination in failing to hire Mrs. Romano as a new school teacher on account of her age, and their repeated retaliation against her for daring to complain to them about age discrimination. This also is an action relating to the School District's violation of Plaintiffs' First Amendment Rights of freedom of speech and association. Plaintiffs are residents and taxpayers of the School District, and their children attend the School District's schools. At various times over the last two years, Plaintiffs have complained to Defendants that Defendants have been engaging in a pattern and culture of cronyism and other unfair hiring practices. In response to Plaintiffs exercising their First Amendment rights on these very important matters of public concern, Defendants have repeatedly retaliated against Plaintiffs by failing to even interview (much less hire) Mrs. Romano for any permanent classroom teaching positions even though she was far more qualified than other candidates who have been hired.

2. As a result of Defendants' wrongful conduct, Plaintiffs have suffered substantial damages, including significant damage to Mrs. Romano's professional reputation within the teaching community, and her personal reputation within the Hudson community where she lives.

Without the filing of this Complaint, her community and prospective employers are left to assume the School District's hiring practices are legitimate when, in fact, they are not, and that the School District's failure to hire Mrs. Romano was legal or justified when, in fact, it was not.

JURISDICTION AND VENUE

5. This Court has jurisdiction over Plaintiffs' 42 USC § 1983 First Amendment retaliation claim pursuant to 28 U.S.C. §1331 (federal question).

6. As well, this Court has supplemental jurisdiction of the state law claims raised hereunder, without limitation, 28 U.S.C. § 1367, as such claims relate to the federal claims that form a part of the same case.

7. Venue is proper in this District pursuant to, without limitation, 28 U.S.C. § 391(b) because the events giving rise to the claims occurred in this District.

PARTIES

8. Defendant The Hudson City School District Board of Education, d/b/a Hudson City School District is an entity existing pursuant to R.C. § 3311.01 et seq. and 3313.01 et seq. Among other functions, the School District employs teachers and staff to educate children located within its geographic boundaries. The School District was Mrs. Romano's employer under federal and state law.

9. Defendant Phil Herman works and resides in Summit County, Ohio. At all relevant times, he has been an administrator of the School District, and is its current Superintendent.

7. Defendant Lisa Hunt works and resides in Summit County, Ohio. At all relevant times, she has been an administrator of the School District, and is its current Director of Human Resources.

8. Defendant Doreen Osmun resides in Summit County, Ohio. At all relevant times, she has been an administrator of the School District, and is its current Assistant Superintendent.

9. Plaintiffs Trisha Romano and Matthew Romano Pro Se are residents and taxpayers of Hudson, Ohio. They have children who attend the School District's schools, and they have volunteered their time and donated their money towards initiatives and activities supporting the School District. Additionally, Plaintiff Trisha Romano is a former full-time substitute teacher for the School District.

FACTS

A. Defendants Engage in Pattern and Culture of Cronyism and other Unfair Hiring Practices.

10. In or about 2012, Osmun's former nanny/babysitter was unfairly hired for a permanent classroom teaching position for the School District. Upon information and belief, Osmun's nanny/babysitter (while a good and well-intentioned teacher) was not the most qualified candidate for the position and was only hired because of her relationship with Osmun.

11. In 2014, Osmun and Hunt (and possibly other administrators) hired a new teacher into the School District for a permanent classroom teaching position because her mother is a long-time School District employee. That teacher (while a good and well-intentioned teacher) was hired out of a pool of hundreds of other candidates, many of whom were more qualified for the position, including Plaintiff, had more classroom teaching experience than her, and/or were

trained and employed as long-term substitute teachers in the School District.

12. In 2015, Osmun and Hunt (and possibly other administrators) hired a new teacher into the School District for a permanent classroom teaching position because her mother is a long-time School District teacher. That teacher (while a good and well-intentioned teacher) was hired out of a pool of hundreds of other candidates (and a search of more than another 1,000 teachers whose profiles are on file with the School District), many of whom were more qualified for the position, including Plaintiff, had more classroom teaching experience than her, and/or were trained and employed as long-term substitute teachers in the School District.

13. In 2016, Osmun and Hunt (and possibly other administrators) hired a new permanent classroom teacher and a new staff member into the School District because their spouses are teachers in the School District. Upon information and belief, both of those new employees (while competent and well-intentioned) received unfair favoritism for their hiring due to their spouses' relationship with Osmun.

14. Upon information and belief, there are other examples of School District employees who Defendants have hired or promoted into permanent teaching positions not because those employees were the most qualified applicants for those highly sought after public-employee positions, but because they were being unfairly favored due to their relationships to the Individual Defendants and/or other School District administrators and employees.

B. Mrs. Romano Pursues a Second Career of Teaching Young Children.

15. Plaintiff Mrs. Romano is a 43 year-old teacher that is licensed by the State of Ohio to teach Pre-K through the Third Grade ("K-3rd").

16. Teaching is a second career for Mrs. Romano, and it is a career that she did not fully begin until approximately four years ago, when her younger son began going to school full days.

17. Mrs. Romano has a Master's Degree in Education from Ursuline College and a Bachelor's Degree with a major in journalism from Ohio University's prestigious E.W. Scripps School of Journalism. She completed both her degrees with high honors and never received anything lower than an "A" in her graduate courses. She also has a state reading endorsement, and several hours of additional classroom education following receipt of her Master's Degree.

18. Prior to teaching, Mrs. Romano enjoyed a successful career in broadcast journalism for television stations in Cleveland and Columbus, Ohio, where she produced morning news shows, as well as media/public relations for Cleveland Botanical Garden and Western Reserve Historical Society.

19. At the same time she was raising her two young children, Mrs. Romano continued to actively pursue her passion for teaching young children. Mrs. Romano continued to enroll in teaching courses, volunteered to teach PSR at St. Mary's Church in Hudson, Ohio, volunteered as the head PTO liaison for Ellsworth Hill Elementary School in the School District, and volunteered at her children's schools where she could observe and assist School District teachers perform lessons**.**

C. The School District Refuses to Hire Mrs. Romano into a Permanent Classroom Teaching Position in 2012 and 2013 Based upon Unfair Hiring Practices.

20. Beginning with the 2012/2013 school year, Mrs. Romano's younger son was enrolling in full-day school as a 1st grader in the School District, and with both her children now

in school all day, Mrs. Romano was at a point in her life where she could direct her efforts and attention to finally completing her dream and passion of becoming a full-time school teacher.

21. Thus, Mrs. Romano applied for 2012/2013 school year K-3rd classroom teaching openings in the School District in which she was familiar with the curriculum due to her volunteer work and her own children's studies.

22. At almost 39 years of age, Mrs. Romano did not match the appearance of a typical "new" teacher who is fresh out of undergraduate studies, but nevertheless, she was confident she could perform well even despite her limited classroom teaching experience, particularly given the success she had enjoyed in her prior career, her undergraduate and graduate studies, volunteering in various teaching roles over the preceding years, and also being the involved mother of two School District students.

23. Given her strong credentials, Mrs. Romano was selected to interview for the School District's permanent classroom teaching openings for which she applied. Although Mrs. Romano interviewed well for the position, she was not ultimately hired. The School District told her the reason for not hiring her into a permanent teaching position was purportedly because she did not have enough classroom teaching experience.

24. It was not until a few years later, however, that Mrs. Romano learned that a teacher who was hired over her for the 2012/2013 opening was actually Defendant Osmun's nanny or babysitter, who also was a relatively new teacher without any classroom teaching experience and who was nearly 20 years younger than Mrs. Romano.

25. After not being hired for the full-time teaching position, Mrs. Romano applied to and became a substitute teacher during the entire 2012/2013 school year, regularly being selected

for assignments in the School District, the Twinsburg City School District and Seton Catholic School in Hudson, Ohio. Mrs. Romano was regularly requested by several teachers to substitute for them while they were out. Thus, Mrs. Romano worked nearly every day of the 2012/2013 school year, often times being selected for multiple day assignments in the School District.

26. At the end of the 2012/2013 school year, Mrs. Romano again applied for K-3rd classroom teaching positions in the School District for the 2013/2014 school year, but was not hired for the few openings that existed. Mrs. Romano was again told that it was due to her lack of experience teaching a classroom of her own, but that she should continue to "put in her time" as a substitute teacher and that she would eventually be hired into a permanent position.

27. Upon information and belief, but unbeknownst to Mrs. Romano at the time, the School District hired one or more teachers who had little or no experience teaching a classroom of their own, was otherwise less qualified than Mrs. Romano, but was more desirable for hiring into the School District's because of the Individual Defendants' policy, custom and practice to only hire teachers who are new to the profession if they are young.

D. The School District Discriminates Against Mrs. Romano on the Basis of Age in 2014 by Refusing to Hire Her into a Permanent Classroom Teaching Position.

28. For the 2013/2014 school year, Mrs. Romano continued to work as a substitute teacher, again being asked to work nearly every day, and in particular for one 2nd grade teacher who was ill. During winter break of the 2013/2014 school year, the teacher for whom Mrs. Romano was regularly substituting had been diagnosed with a potentially terminal illness.

29. Because of Mrs. Romano's outstanding performance as a substitute teacher for the prior 15 months, and also because her passion and talent for teaching were so readily apparent,

the School District hired Mrs. Romano to be a full-time, long-term substitute teacher for the remainder of the 2013/2014 school year in that 2nd grade classroom.

30. The School District was ecstatic to have Mrs. Romano permanently available for the remainder of the 2013/2014 school year. In a January 14, 2014 letter to the students and parents of the classroom Mrs. Romano was taking over, the School District administration stated, "I have carefully selected a long-term substitute teacher for Mrs. Morris. Mrs. Romano has been a substitute teacher here in the Hudson City School District . . . We are fortunate to have found a wonderful person to replace Mrs. Morris. Mrs. Romano brings enthusiasm and energy. She comes highly recommended and has already begun to work with Mrs. Morris to ensure an easy transition for the students."

31. Mrs. Romano was regularly told that she was doing an excellent job. Moreover, in her formal year-end evaluation under the School District's Evaluation/Observation form, she was evaluated as being either "Distinguished" or "Proficient" in every single one of the 20 evaluation categories. There was not a single category in which she was categorized as even "Basic," much less "Deficient."

32. Mrs. Romano's performance is particularly remarkable given the difficult circumstances under which she was working. Mrs. Romano was required to segue students' learning and transition their lesson plans mid-year and on very short notice due to the permanent teacher's unexpected long-term leave. Mrs. Romano was able to keep the students and parents focused on learning and reassured during the upheaval, while also remaining committed and considerate in addressing the permanent teacher's preferences and wishes (often times meeting with the permanent teacher at her home on nights and weekends).

33. Given her dedication, strong performance and new classroom teaching experience, Mrs. Romano applied for several K-3rd permanent classroom teaching openings in the School District at the end of the 2013/2014 school year.

34. Despite her strong qualifications and specific classroom teaching in the School District, the School District did not select her to interview for any of the openings. Defendant Hunt, who is Director of Human Resources, explained to Mrs. Romano that her reason for not interviewing (much less hiring) Mrs. Romano was because Mrs. Romano did not have a reading endorsement for her Ohio teaching license.

35. Upon information and belief, the School District has hired one or more candidates that do not have a reading endorsement, had not complete the costly and time-consuming course work, nor passed the "Praxis" exam at the time they were interviewed and hired for the teaching position.

36. Defendants' failure to interview or hire Mrs. Romano for a permanent classroom teaching position in 2014 was not because of her lack of a reading endorsement. The purported reading endorsement reason was merely a pretext for Defendants' real reason, which was Mrs. Romano's older age of over the age of 40.

37. Upon information and belief, the School District hired one or more applicants in 2014 even though those applicants had less classroom teaching experience than Mrs. Romano, and in particular, did not have the unique qualification that Mrs. Romano held, which was extensive familiarity and experience with the School District's specific curriculum and polices from performing a K-3rd classroom teaching position in the School District during the entire second half of the 2013/2014 school year.

38. The School District and the Individual Defendants, pursuant to their custom, practice and policy, were willing to hire one or more teachers in 2014 who were new to the profession and under 40 years of age, but it was not willing to hire a teacher who was new to the profession and over 40 years of age, like Mrs. Romano, even though she was more qualified than the younger new teachers who were hired over her.

E. The School District Discriminates Against Mrs. Romano in 2015 by Failing to Hire Her into a Permanent Classroom Teaching Position and Plaintiffs Exercise their First Amendment Rights.

39. After refusing to hire her into a permanent classroom teacher position based upon the pretext that she did not have a reading endorsement, the School District again hired Mrs. Romano to be a full-time substitute teacher (at the lower substitute rate of pay) for the entire 2014/2015 school year while the permanent 2nd grade teacher remained on extended medical leave.

40. Although Mrs. Romano technically still remained a substitute teacher, she was required to handle all of the duties and responsibilities that were required and expected of each of the permanent teachers in the School District. Mrs. Romano was placed on the School District's website as a full-time teacher, was given a name plate for her door, and was assigned a formal mentor, while the School District represented to the students and parents that Mrs. Romano would be their full-time teacher during the entire school year.

41. Mrs. Romano performed even better during the 2014/2015 school year than she had during the prior school year. She received two more formal evaluations that year, and although the School District's rating standards changed from the prior school year, both her 2014/2015 school year evaluations rated her as a highly "Skilled" teacher. In fact, in some

categories, Mrs. Romano even received an "Accomplished" rating, which she was told is difficult to achieve for teachers with many more years of experience than she had completed. She did not receive an "Ineffective" rating for a single category of the evaluations, and she never once received a poor performance evaluation or review (formal or informal) during her time in the School District. Upon information and belief, her rating as highly "Skilled" teacher is as good, if not better, than many of the permanent teachers in the School District.

42. During the course of the 2014/2015 school year, Mrs. Romano also enrolled in further university course work to obtain her reading endorsement and passed the "Praxis" exam that Hunt previously told her would be necessary for permanent hiring into the School District.

43. Near the end of the 2014/2015 school year, the School District posted several permanent K-3rd classroom teaching openings for the upcoming 2015/2016 school year, including the exact 2nd grade classroom position that Mrs. Romano had been performing for the prior 1½ years.

44. Given her strong performance, Mrs. Romano's principal, Jen Filomena ("Filomena") offered to be a reference to recommend for Mrs. Romano to be hired into the position, as did several of Mrs. Romano's colleagues in the school, including her School District-assigned mentor and teachers with whom she regularly collaborated and worked throughout the year in a school-assigned professional learning community (PLC).

45. Some parents were so grateful of her teaching efforts that they agreed to be a reference for her.

46. With these tremendous qualifications to her credit, Mrs. Romano applied for each of the K-3rd classroom teaching openings, and was selected by the School District to interview

for those openings. Out of over 400 applicants and another nearly 1,000 candidates whose résumés and profiles are on file with the School District, Mrs. Romano was the one and only candidate who had the unique qualification of actually performing the exact position for the prior two school years, and even did so at a level that met and exceeded the School Districts own standards.

47. The School District interview process requires prospective candidates to complete two rounds of interviews. Mrs. Romano's first round interview was held by her principal, Filomena, and the two other K-3rd principals in the School District. Mrs. Romano performed so well that Filomena twice congratulated Mrs. Romano later that day to express her excitement for how well Mrs. Romano performed during the interview. Mrs. Romano also sufficiently performed during her second round interview, which lasted only 30 minutes and covered only a small variety of topics.

48. On or about May 15, 2015, Defendant Hunt informed Mrs. Romano that she was not being hired into any of the K-3rd openings for which she had applied, including the 2nd grade classroom teaching opening that she had performed for the prior two school years at a level that met and exceeded the School District's own standards.

49. The only reasons that the School District provided for failing to hire Mrs. Romano were that some of the answers she gave during the short, 30-minute second round interview were purportedly not detailed enough, some of the other candidates supposedly had better references, and other candidates might be better at classroom technology. None of these reasons made any sense to Mrs. Romano and she immediately disputed to Hunt that they were valid or legitimate grounds for failing to hire her after she proved she could perform the position to the School

District's complete satisfaction for the prior two school years.

50. The School District communicated its decision to Mrs. Romano while there were still multiple weeks over which she was supposed to complete her long-term classroom teaching assignment for the 2014/21015 school year.

51. Upon returning to work over the next two following work days, Principal Filomena told Mrs. Romano the identity of the teachers who were hired over her, including the names of several teachers who were also substitute teachers in the School District but did not have any experience teaching a School District classroom of their own like Mrs. Romano had done. While some of the other substitute teachers being hired had extensive experience teaching in other school districts, there were at least two other substitute teachers who Mrs. Romano knew were new to the profession just like Mrs. Romano, but unlike Mrs. Romano, they were not new to the profession and over 40 years of age. Instead, they were recent college graduates who were nearly 20 years younger than Mrs. Romano.

52. Given her experience and credentials, Mrs. Romano should have been the very first candidate hired for the openings, and certainly should have been the first candidate hired for any openings that were being filled by teachers who are new to the profession and were less proven to the School District than Mrs. Romano.

53. At the same time Filomena was providing the identity of hired teachers to Mrs. Romano, and at various other times since then, Filomena reiterated to Mrs. Romano that she strongly recommended Mrs. Romano for the position and wanted Mrs. Romano to be permanently hired.

54. Upon learning this information, Mrs. Romano asked Filomena what was said by members of the hiring committee in response to Mrs. Romano having such strong performance evaluations and successful students' test scores. Filomena confirmed for Mrs. Romano that the people on the hiring committee who make and/or strongly influence the final hiring decision, Defendants Hunt and Osmun, never considered or even requested to review such information.

55. After speaking with Filomena, Mrs. Romano contacted each of her references who were other School District teachers, and each of them confirmed that the School District never contacted them to inquire about Mrs. Romano's performance. It was obvious that Defendant Hunt falsely told Mrs. Romano that other candidates had better references than her. Mrs. Romano's references were the school principal and several teachers in the very school in which Mrs. Romano had worked as a full-time classroom teacher for the prior 1½ school years and where three of the K-3rd openings were located, yet Defendants Hunt and Osmun ignored the principal's recommendation, Mrs. Romano's performance evaluations and successful students' test scores, and never bothered to contact Mrs. Romano's other references.

56. On or about May 19, 2015, soon after her conversations with Filomena and her other references, Mrs. Romano made a written complaint to Hunt, stating her belief that she was being discriminated against on account of her age, and had other concerns that at least one of the other candidates was receiving unfair favoritism because her mother was a current long-time teacher in the School District.

57. In her complaint, Mrs. Romano documented the three reasons that Hunt had provided for not hiring Mrs. Romano, and established the basis for why those reasons were false and pretextual. Chief among her complaints was that she was purportedly passed over for not

being specific enough on a few questions during a short 30 minute interview, even though her prior 1½ years on the job was essentially an extended interview over which she proved over three formal performance evaluations and several informal evaluations and feedback that she could perform the job at a level that met and exceeded the School District's own standards.

58. On or about the evening of May 19, 2015, Mrs. Romano's husband, Plaintiff Matthew Romano, left a voicemail message for Defendant Superintendent Herman and also forwarded to Herman by email a copy of Mrs. Romano's complaint of age discrimination and unfair favoritism concerns. Plaintiff Matthew Romano indicated to Herman that he intended to address these issues with the School Board members at an upcoming public School Board meeting if he did not hear back from Herman before that meeting.

59. In response to receiving Mrs. Romano's written complaint, Defendants Hunt and Herman did not dispute that the three reasons memorialized in Mrs. Romano's complaint were the School District's only stated reasons for failing to hire Mrs. Romano. Hunt, however, did provide an additional new reason that the School District considered "overall fit" in making the decision not to hire Mrs. Romano.

60. On May 20, 2015, Herman called Matthew Romano and the two of them discussed at length and in great detail both the issue of Mrs. Romano's specific age discrimination complaint, and also the broader issues relating to the School District's pattern of cronyism and other unfair hiring practices that affect the entire community. Matthew Romano reminded Herman that Plaintiffs lived in the School District, and were concerned taxpayers and parents of School District students. He also reiterated to Herman that he intended to address these matters at the upcoming public School Board meeting if Herman was not inclined to

further investigate them himself, and specifically because the pattern of cronyism was a matter that impacted the entire community in which Plaintiffs lived.

61. In response, Herman conceded to Matthew Romano that the School District's hiring practices were a matter of important public interest, which Plaintiffs had a right to question, yet Herman objected that Plaintiffs were calling his administration's "integrity" into question by making complaints of discrimination, cronyism and unfair hiring practices. Without conducting any investigation, Herman was dismissive of Plaintiffs' complaints because Herman personally had designed and implemented the hiring process when he was Assistant Superintendent.

62. Herman nevertheless conceded, however, that Plaintiffs had raised many good points and important issues, and he assured Matthew Romano that he personally would further look into the School District's failure to hire Mrs. Romano, as well as the broader hiring practice issues that were being raised. Herman concluded the conversation by stating he would contact Mrs. Romano directly to address all of these issues after he had the opportunity to further look into the matter.

F. The School District Retaliates Against Mrs. Romano in 2015 by Engaging in a Cover Up and Failing to Hire Her into a Permanent Classroom Teaching Position Due to Plaintiffs Complaining of Age Discrimination and Exercising their First Amendment Rights to Free Speech and Association as to Matters of Public Interest.

63. In her written complaint, Mrs. Romano identified that one of the many K-3rd classroom teaching openings had not yet been filled, and she requested that the School District reconsider its decision not to hire her, given that she was far more qualified than the teacher who was thought to be hired into the position instead of her.

64. Instead of addressing that request, Defendants Herman and Hunt waited multiple weeks, until after the hiring decision had become final, before agreeing to meet with Mrs. Romano. When they finally did meet with her to discuss her complaints of discrimination and unfair hiring practices, Defendant Herman began the meeting by stating that he had determined no discrimination or other wrongdoing had occurred, despite the fact that he had not yet even met or discussed the matter with Mrs. Romano to obtain from her any supporting information or statements before making his determination.

65. Unbeknownst to Plaintiffs at the time, the School District has a formal, written Nondiscrimination and Equal Opportunity Policy (the "Policy"). The Policy specifically sets forth that Herman and Hunt are the two School District employees required to enforce and abide by the Policy, including meeting with the person alleging discrimination before completing their investigation and determination on whether discrimination occurred, and providing a copy of the Policy to that person so that he/she is aware of his/her express right under the Policy to appeal Hunt and Herman's decision directly to the School Board members.

66. Herman and Hunt did not provide a copy of the Policy to Mrs. Romano, nor did they otherwise advise her of its existence or her right to appeal their final determination to the School Board members.

67. Upon information and belief, Defendants initiated no real investigation in response to Mrs. Romano's complaint of discrimination, as required by the Policy, and failed to provide the Policy to Mrs. Romano as a concerted cover up so that she would not make the School Board members aware of the School District's discrimination against her and/or the

broader issues Plaintiffs had raised regarding he School District's pattern and culture of cronyism and other unfair hiring practices.

68. Instead of informing Mrs. Romano of their obligations and her rights under the Policy, the meeting was spent discussing Mrs. Romano's performance reviews, which were never reviewed or considered before Hunt and Osman made their hiring decision. Regardless, even Herman was forced to acknowledge and concede that Mrs. Romano's performance evaluations rated her as a highly "Skilled" teacher.

69. Defendant Herman than told Mrs. Romano that she was an excellent teacher and that he hoped she would continue to apply for job openings and interview with the School District in the future.

70. In the days following the meeting, Mrs. Romano learned that yet another new K-3rd permanent classroom teaching position had become open, and she requested to Herman that she be permitted to interview for that new opening.

71. In retaliation for Plaintiffs' complaints of age discrimination and their exercise of their First Amendment rights on the broader issues of other unfair hiring practices, Defendant Herman denied Mrs. Romano's request for an interview, and again failed to provide Mrs. Romano with a copy of the Policy or advise her of her right to appeal his biased investigation and determination to the School Board members, who might have otherwise decided that Mrs. Romano should be interviewed and hired for the new permanent classroom teaching opening in light of the circumstances that existed.

G. The School District Continues to Discriminate and Retaliate Against Mrs. Romano in 2016 by Failing to Hire Her into a Classroom Teaching Position.

72. In April-August 2016, after a year of teaching in a nearby school district, Mrs.

Romano applied for several permanent teaching positions that had become open in the School District for the 2016/2017 school year.

73. Defendants failed to even interview Mrs. Romano for any of the new teacher openings, much less hire her.

74. It is unconscionable that Mrs. Romano would not be selected for an interview for any of the 2016 teacher openings given that she was a final job candidate for the position in the prior year, had been interviewed or hired for long-term teaching positions by the School District in each of the four prior years, and had proved she could perform every facet of one of the exact positions being filled by holding that position for 1½ years full-time as long-term substitute teacher.

75. Upon information and belief, at least some of the job finalists for the 2015 school year (other than Mrs. Romano) were interviewed and hired for the 2016 openings.

76. Defendants denied Mrs. Romano even an interview due to her over 40 age in comparison to her still being new to the profession, and also in retaliation for Plaintiffs' prior complaints of discrimination and other unfair hiring practices that were asserted as an exercise of their First Amendment Rights to Freedom of Speech and Association.

77. As further evidence of Defendants' discriminatory and retaliatory conduct, at the very same time that Defendants were failing and refusing to interview or hire Mrs. Romano, Principal Filomena was specifically recommending Mrs. Romano for special consideration in other school districts. In or about June 30, 2016, Filomena wrote an email to the Principal at Northfield Elementary School in the Nordonia school district, stating "I wanted to give you the name of a former long-term sub who applied for a position in Nordonia. Trisha Romano filled a

medical leave for me and did a really nice job. . . . pass Trisha's name on to the other buildings. She is worth a look!" She also sent a nearly identical email to the Principal at Arrowhead Primary School in the Copley-Fairlawn School District on that same date.

78. Continuing with their discriminatory policy, custom and practice and upon information and belief, the Defendants failed to hire any new teachers in the K through 3rd grade positions over the age of 40 in the 2016 school year.

79. Defendants' failure to interview and hire Mrs. Romano as alleged herein constitutes age discrimination and/or retaliation for Plaintiffs 'complaints of age discrimination and/or their exercise of their First Amendment Rights to Freedom of Speech and Association.

H. The School District is Liable for its Conduct and Herman, Hunt and Osmun are Personally Liable for their Conduct.

80. The School District is Mrs. Romano's "employer" within the meaning of federal and state age discrimination statutes. As well, the School District is liable for Plaintiffs' §1983 claim because, as alleged herein, Plaintiffs' suffered retaliation as a result of their exercise of their First Amendment Rights of Freedom of Speech and Association and there is a direct causal link between the School District's policy, practice or custom of not hiring new teachers over the age of 40 and engaging in unfair and unethical hiring practices and the Plaintiffs' constitutional deprivation.

81. The Individual Defendants were Mrs. Romano's supervisory employees and are liable under State law for their acts of age discrimination and aiding and abetting age discrimination as alleged herein. The Individual Defendants also are liable for Plaintiffs' §1983 claim because, as alleged herein, the Individual Defendants designed and/or implemented the

School District's policy of not hiring new teachers over the age of 40 and implemented, directed, engaged in and/or acquiesced in the discriminatory, unfair and unethical hiring practices that Plaintiffs' complained about. The wrongful retaliatory actions taken against Mrs. Romano were done by the Individual Defendants in concert with one another who had final decision-making authority as to new hires in the School District.

82. While holding the Superintendent, Assistant Superintendent and Director of HR positions, respectively, Herman, Osmun and Hunt created a culture where hiring decisions are made on many occasions with those candidates who have family or personal relationships to the Individual Defendants or colleagues and friends of the Individual Defendants, rather than those candidates having the best credentials and professional qualifications.

83. Furthermore, and as alleged herein, the Individual Defendants violated Plaintiffs' First Amendment rights, Plaintiffs' First Amendment rights were clearly established and rights which a reasonable person would have known and the Individual Defendants' actions were objectively unreasonable under the circumstances.

84. Moreover, the Individual Defendants failed to initiate an investigation as to Mrs. Romano's complaint of age discrimination as required by School District policy, failed to investigate Plaintiffs' complaints of unfair and unethical hiring practices and attempted to cover up their wrongful activity by failing to advise Mrs. Romano of her right to internal appeal.

85. The Individual Defendants have acted with malice and/or reckless disregard for the rights of Plaintiffs.

86. The Parties entered into a Tolling Agreement effective November 1, 2016 through and including March 31, 2017 tolling any and all statutes of limitations, repose and all other time

based claims.

COUNT I

(First Amendment Retaliation-42 USC § 1983)

87. Plaintiffs hereby incorporate by reference each of the allegations in the foregoing paragraphs as if fully rewritten herein.

88. Defendants, acting individually and in concert with each other and under color of state law, deprived Plaintiffs of their rights to Freedom of Speech and Association under the First and Fourteenth Amendments of the Constitution.

89. Plaintiffs' speech was on a matter of public concern and in retaliation for their speech and association, Defendants failed to hire Plaintiff Trisha Romano and took other wrongful actions against her. Defendants' retaliatory conduct was also done for the purpose of chilling Plaintiff Mathew Romano's constitutional rights.

90. Defendants' actions were willful, wanton, malicious and/ or in reckless disregard to Plaintiffs' rights.

91. As a direct and proximate result of Defendants' conduct, Plaintiffs have been damaged and will continue to be damaged in an amount to be determined at trial.

COUNT II

(Age Discrimination - RC §§ 4112.14 and 4112.99)

92. Plaintiffs hereby incorporate by reference each of the allegations in the foregoing paragraphs as if fully rewritten herein.

93. Defendants discriminated against Plaintiff Trisha Romano on the basis of her age as alleged herein by failing to hire her in 2014, 2015 and 2016, when she was over the age of 40,

and by hiring new teachers under the age of 40.

94. Plaintiff Trisha Romano was qualified for all the positions that she sought employment from Defendants.

95. Defendants' actions were willful, wanton, malicious and/ or in reckless disregard to the rights of Plaintiff Trisha Romano.

96. As a direct and proximate result of Defendants' conduct, Plaintiff Trisha Romano has been damaged and will continue to be damaged in an amount to be determined at trial.

COUNT III

(Aiding and Abetting- RC § 4112.02 (J), RC § 4112.14, RC § 4112.99 and Common Law)

97. Plaintiffs hereby incorporate by reference each of the allegations in the foregoing paragraphs as if fully rewritten herein.

98. Defendants aided and abetted and/or attempted directly or indirectly to commit the unlawful discriminatory practices as alleged herein.

99. Defendants actions were willful, wanton, malicious and/or in reckless disregard to the rights of Plaintiff Trisha Romano.

100. As a direct and proximate result of Defendants' conduct, Plaintiff Trisha Romano has been damaged and will continue to be damaged in an amount to be determined at trial.

COUNT IV

(Retaliation – RC § 4112.02 (J), RC § 4112.14, RC § 4112.99 and Common Law)

101. Plaintiffs hereby incorporate by reference each of the allegations in the foregoing paragraphs as if fully rewritten herein.

102. Plaintiffs engaged in protected activity by opposing unlawful age discrimination

suffered by Plaintiff Trisha Romano as alleged herein.

103. In retaliation for their protected activity, Defendants failed to hire Plaintiff Trisha Romano and took other wrongful actions against her.

104. Defendants' actions were willful, wanton, malicious and/or in reckless disregard to the rights of Plaintiffs.

105. As a direct and proximate result of Defendants' conduct, Plaintiffs have been damaged and will continue to be damaged in an amount to be determined at trial.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally for the following: such legal or equitable relief as may be appropriate including, without limitation, lost wages and compensation, back pay, reinstatement, front pay, compensatory damages, punitive damages and for such other and further relief as is just under law or equity.

. Respectfully submitted,

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Pro Se Plaintiff

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury of all claims herein.

Respectfully submitted,

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